The Indira Kala Sangit Vishwavidyalaya Adhiniyam (Sanshodham) Adhiniyam, 2005

Act 8 of 2002

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Amendment appended: 12 of 2005

CHHATTISGARH ADHINIYAM
(No. 8 of 2002)

INDIRA KALA SANGIT VISHWAVIDYALAYA (SANSHODHAN) ADHINIYAM, 2002

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CHHATTISGARH ADHINIYAM
(No. 8 of 2002)

INDIRA KALA SANGIT VISHWAVIDYALAYA (SANSHODHAN) ADHINIYAM, 2002

An Act to amend Indira Kala Sangit Vishwavidyalaya Adhiniyam, 1956.

Be it enacted by the Chhattisgarh Legislature in the Fifty-third Year of the Republic of India as follows :—

Short title and commencement.

1. (1) This Act may be called the Indira Kala Sangit Vishwavidyalaya (Sanshodhan) Adhiniyam, 2002 (No. 8 of 2002).

(2) This Act shall come into force on such date as the State Government may, by notification, appoint in official Gazette.

Amendment of Section 3

2. In section 3 of the Indira Kala Sangit Vishwavidyalaya Adhiniyam, 1956 (No. XIX of 1956), (hereinafter may be called the Principal Act), the word "Kuladhipati", "Kulapati" and "Adhyacharya" shall be substituted resepectively in place of the word "Kulapati", "UpKulapati" and "Adhyacharya" and the word "PratiKulapati" and "Koshadhyaksha" shall be omitted respectively.

Insertion of Section 3 (A).

3. Following section 3(A) shall be inserted after section 3 of the Principal Act, namely :—

(1) The word "Kuladhipati", "Kulapati" and "Kuladhisachiv" shall be substituted respectively in place of the word "Kulapati", "UpKulapati" and "Adhyacharya" wherever they occur in the Principal Act.

(2) the word "PratiKulapati" and "Koshadhyaksha" shall be omitted wherever they occur in the Principal Act.

Omission of Section 11 Pratikulapati.

4. Section 11 of the Principal Act shall be omitted.

Omission of Section 16. Koshadhyaksha.

5. Section 16 of the Principal Act shall be omitted.

Omission of Section 17. Removal of the Kulapati.

6. Section 17 of the Principal Act shall be omitted.

Insertion of Section 17-A

7. Following section shall be inserted after the section 17 of the Principal Act, namely :—

(1) If at any time upon representation made or otherwise and after making such enquiries as may be deemed necessary, it appears to the Kuladhipati that the Kulapati;

(i) has made default in performing any duty imposed on him, by or under this Act; or

(ii) has acted in a manner prejudicial to the interests of the university; or

(iii) is incapable of managing the affairs of the university the Kuladhipati may, notwithstanding the fact that the terms of the office of the Kulapati has not expired, by an order in writing stating the reasons therein, require the Kulapati to relinquish his office as from such date as may be specified in the order.

(2) No order under sub-section (1) shall be passed unless the particulars of the grounds on which such action is proposed to be taken are communicated to the Kulapati and he is given a reasonable opportunity of showing cause against the proposed order.

(3) As from the date specified in the order under sub-section (1), the Kulapati shall be deemed to have relinquished the office and the office of the Kulapati shall fall vacant.

Amendment of Section 21. University Court.

8. Section 21 of the Principal Act shall be omitted and following section shall be substituted in its place; namely :—

The University Court shall be constituted subject to the provisions of the Statutes.

Subject to the provisions of this Act, the Court shall exercise, following powers and perform following duties; namely :—

(1) to act as an advisory body in all matters relating to the university;

(2) to review from time to time the broad Policies and Programmes of the university and to suggest measures for the improvement and development of the university;

(3) to consider and pass resolutions on the annual reports; the annual accounts and related audit report thereon, if any;

(4) to review the acts of the other authorities of the university save where such authorities have acted in accordance with the powers conferred upon them by this Act, the Statutes and the Ordinances;

(5) to exercise such other Powers and Perform such other duties as may be conferred or imposed upon it by this Act and the Statutes.

Insertion of Section 54. Power of State Government to apply Act in modified form with a view to provide for better administration of university in certain circumstances.

9. Following section shall be inserted after the section 53 of the Principal Act; namely :—

(1) If the State Government on receipt of a report or otherwise, is satisfied that a situation has arisen in which the administration of the university cannot be carried out in accordance with the provisions of the Act, without detriment to the interests of the university, and it is expedient in the interest of the university so to do, it may by notification, for reasons to be mentioned therein, direct that the provisions of section 12, 12-A, 17,A,21, 22, 23, 24, 25 and 27 shall, as from the date specified in the notification (hereinafter in this section referred to as the appointed date), apply to the university subject to notified orders of the State Government.;

(2) The notification issued under sub-section (1) (hereinafter referred to as the notification) shall remain in operation for a period of one year form the appointed date and the State Government may, from time to time, extend the period by such further period as it may think fit so however that the total period of operation of the notification does not exceed three years;

(3) The Kuladhipati shall, in consultation with the State Government, simultaneously with the issue of the notification, appoint the Kulapati under Sub-section (1) and shall remove the Kulapati in the like manner. The Kulapati so appointed shall hold office during the period of operation of the notification;

Provided that the Kulapati may, notwithstanding the expiration of the period of operation of the notification, continue to hold office thereafter until his successor enters upon office but this period shall not exceed one year

(4) As from the appointed date, the following consequences shall ensue; namely :—

(i) this Act shall have effect subject to the notified order of the State Government.;

(ii) the Kulapati, holding office immediately before the appointed date, shall notwithstanding that his terms of office not expired, vacate his office;

(iii) every person holding office as a member of the Sabha, the Karyakarini Samiti or the Shiksha Samiti, as the case may be, immediately before the appointed date shall cease to hold that office;

(iv) until the Sabha, Karyakarini Samiti or Shiksha Samiti, as the case may be, reconstituted, the Kulapati appointed under Section 54 (3) shall exercise the Powers and Perform the duties conferred or imposed by or under this Act, on the Vishwavidyalaya Sabha, Karyakarini Samiti or Shiksha Samiti;

Provided that the Kuladhipati may, if considers it necessary so to do, appoint a Committee Consisting of an educationist, an administrative expert and a financial expert to assist the Kulapati so appointed in exercise of such powers and performance of such duites.

(5) Before the expiration of the period of operation of the notification or immediately as early as practicable, thereafter, the Kulapati shall take steps to constitute the Vishwavidyalaya Sabha, Karyakarini Samiti and Shiksha Samiti accordance with the provisions of the Act, as unmodified and the Vishwavidyalaya Sabha, Karyakarini Samiti and Shiksha Samiti as so consituted shall begin to function on the date immediately following the date of expiry if the period of operation of the notification of the date on which the respective bodies are so constituted whichever is later;

Provided that if the Sabha, Karyakarini Samiti and Shiksha Samiti are not constituted before the expiration of the period of operation of the notification, the Kulapati shall on such expiration exercise the powers of each of these authorities subject to prior approval of the Kuladhipati till the Sabha, Karyakarini Samiti or Shiksha Samiti as the case may be, is so constituted.

Insertion of Section 55, expiration of the period of operation of notification under Section 54.

10. Following section shall be inserted after the new inserted section 54 of the Principal Act; namely :—

On expiration of the period of operation of the notification issued under section 54, the provisions of this Act, as modified in application to the university mentioned in the notification shall cease to operate in respect thereof and the other relevant provisions of this Act shall revive and continue to apply thereto;

Provided that the expirationn of the operation of the notification shall not affect:

(a) Previous operation of, or any thing done or suffered under the provisions as modified in any order made thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the provisions as modified or any order made thereunder; or

(c) any investigation or remedy in respect of any such right, privilege, obligation or liability as aforesaid, and such investigation or remedy may be instituted or enforeced as if the modified provisions had not ceased to apply.

नियंत्रक मुद्रण तथा लेखन सामग्री, छत्तीसगढ़ द्वारा शासकीय क्षेत्रीय मुद्रणालय, राजनांदगांव से मुद्रित तथा प्रकाशित—2002.

CHHATTISGARH ACT
(No. 12 of 2005)

THE INDIRA KALA SANGIT VISHWAVIDYALAYA ADHINIYAM (SANSHODHAN) ADHINIYAM, 2005

An Act to amend Indira Kala Sangit Vishwavidyalaya Adhiniyam, 1956 (No. XIX of 1956).

Be it enacted by the Chhattisgarh Legislature in the Fifty-sixth year of the Republic of India as follows :—

Short title and Commencement.

1. (1) This Act may be called the Indira Kala Sangit Vishwavidyalaya (*Sanshodhan*) Adhiniyam, 2005.

(2) It shall come into force from the date of its publication in the Official Gazette.

Definition.

2. In this Act unless the context othrwise requires :—

"Principal Adhiniyam" means the Indira Kala Sangit Vishwavidyalaya Adhiniyam, 1956 (No. XIX of 1956).

Amendment of Section 12.

3. For section 12 of the Principal Adhiniyam, following shall be substituted namely :—

(1) The Kulapati shall be appointed by the Kuladhipati from a panel of not less than three persons recommended by the Committee constituted under sub-section (2) of sub section (6) :

Provided that if the person or persons approved by the kuladhipati out of those recommended by the committee are not willing to accept the appointment, the Kuladhipati may call for fresh recommendations from such committee.

(2) The Kuladhipati shall appoint a committee consisting of the following persons, namely :

(i) One person elected by the Karyakarini Samiti ;

(ii) One person nominated by the Chairman of the University Grants Commission ;

(iii) One person nominated by the Kuladhipati.

The Kuladhipati shall appoint one of the three persons to be the Chairman of the committee.

(3) For constituting the committee under sub-section (2), the Kuladhipati shall, six months before the expiry of the term of the Kulapati, call upon Karyakarini Samiti and the Chairman of the University Grants Commission to choose their nominees and if any or both of them fail to do so within one month of the receipt of the communication in this regard, the Kuladhipati may, nominate any as nominee for the committee.

(4) No person who is connected with the Vishwavidyalaya or any college shall be elected or nominated on the committee under sub-section (2).

(5) The committee shall submit the panel within six weeks from the date of its constitution or such further time not exceeding four weeks as may by extended by the Kuladhipati.

(6) If for any reasons the committee constituted under sub-section (2) fails to submit the panel within the period specified in sub-section (5) the Kuladhipati shall constitute another committee consisting of three persons not connected with the Vishwavidyalaya or any college, one of whom shall be designated as the Chairman. The committee so constituted shall submit a panel of not less than three persons within a period of six weeks or such shorter period as may be specified, from the date of its constitution.

(7) If the committee constituted under sub-section (6) fails to submit the panel within the period specified therein, the Kuladhipati may appoint any person whom he deems fit, to be the Kulpati.

Amendment of Section 12-A.

4. for section 12-A of the Principal Adhiniyam the following section shall be substituted namely :—

(1) The Kulpati shall be a whole-time salaried officer of the Vishwavidyalaya and his emoluments and other terms and conditions of service shall be prescribed by the Statutes.

(2) The Kulpati shall hold office for a term of four years and shall not be eligible for appointment for more than two terms :

Provided that he shall cease to hold office on attaining the age of 65;

Provided that notwithstanding the expiry of his term he shall continue to hold office until his successor is appointed and enters upon his office but this period shall not in any case exceed six months.

(3) The person holding office of the Kulpati in the Vishwavidyalaya immedietly before the commencement of this Sanshodhan Adhiniyam shall continue to hold his office till the expiry of his term of office notwithstanding anything contained in the proviso to sub-section (2).

(4) In the event of the occurrence of any vacancy including a temporary vacancy in the office of the Kulpati by reason of his death, resignation, leave, illness or otherwise, the Kuladhisachiva and if no Kuladhisachiva has been appointed or if the Kuladhisachiva is not available, the Adhishthata of any faculty or the senior most professor of Vishwavidyalaya teaching department nominated by the Kuladhipati for that purpose shall act as the Kulapati until the date on which the Kulapati appointed under sub-section (1) or sub-section (7) of section 12, enters or re-enters as the case may be upon his office :

Provided that the arrangement contemplated in this sub-section shall not continue for a period of more than six months.

Amendment of Section 12-B.

5. Section 12-B of the Principal Adhiniyam shall be omitted.

Amendment of Section 13.

6. For section 13 of the Principal Adhiniyam, following shall be substituted namely :—

(1) The Kulapati shall be the principal administrative and academic officer of the Vishwavidyalaya. He shall be an ex-officio member and Chairman of the Karyakarini Samiti and of the Vidya Parishad and Chairman of the Vitta Samiti and Chairman of such other authorities, committees and bodies of the Vishwavidyalaya of which he is a member. He shall be entitled to be present and to speak at any meeting of any authority, committee or other body of the Vishwavidyalaya but shall not be entitled to vote thereat unless he is a member of such authority, committee or body.

(2) It shall be the duty of the Kulapati to ensure that this Act, the Statutes, the Ordinances and the Regulations are faithfully observed and he shall have all powers necessary for this purpose.

(3) The Kulapati shall have the power to convene meetings of the Karyakarini Samiti, the Vidya Parishad and of such other authorities, committees and bodies of the Vishwavidyalaya of which he is the Chairman. He may delegate this power to any other officer of the Vishwavidyalaya.

(4) If in the opinion of the Kulapati any emergency has arisen which requires immediate action to be taken, the Kulapati shall take such actions as he deems necessary and shall at the earliest opportunity thereafter report his action to such officer, authority, committee or other body as would have in the ordinary course dealt with the matter :

Provided that the action taken by the Kulapati shall not commit the Vishwavidyalaya to any recurring expenditure for a period of more than three months;

Provided further that where any such action taken by the Kulapati affects any person in the service of the Vishwavidyalaya such person shall be entitled to prefer, within thirty days from the date on which such action is communicated to him, an appeal to the karyakarini Samiti ;

Provided also that this power shall not extend to matters regarding amendment in the Ordinances, Statutes, Regulations or any matter relating to appointments.

(5) On receipt of a report under sub-section (4) of the authority, committee or body concerned does not approve the action taken by the Kulapati, Kulapati shall refer the matter to the Kuladhipati whose decision thereon shall be final.

(6) The Action taken by the kulapati under sub-section (4) shall be deemed to be the action taken by the appropriate authority until it is set aside by the Kuladhipati on a reference made under sub-section (5) or is set aside by the Karyakarini Samiti on an appeal under the Second proviso to sub-section (4).

(7) If in the opinion of the Kulapati, any proceeding of any authotity, committee or other body of the Vishwavidyalaya is likely to be prejudicial to the interest of the Vishwavidyalaya, he shall record his reasons and refer the matter to the kuladhipati and so inform the authority, committee or other body concerned whereupon the decision concerned shall not be given effect to till the matter is decided by the Kuladhipati under sub-section (6) of section 10.

(8) The Kulapati shall exercise general control over the affairs of the Vishwavidyalaya and shall give effect to the decisions of the authorities of the Vishwavidyalaya.

(9) The Kulapati shall exercise such other power as may be prescribed by the Statutes, Ordinance and Regulations.

7. Entry (1) of Section 20 of the Principal Adhiniyam shall be omitted. **Amendment of Section 20.**

8. Section 21 of the Principal Adhiniyam shall be omitted. **Amendment of Section 21.**

9. In the Indira Kala Sangit Vishwavidalaya Adhiniyam, 1956 (No. XIX of 1956) for the words "Vishwavidyalaya Sabha" or "Sabha" wherever they occur the words "Karyakarini Samiti" shall be substituted. **Substitution of words "Karyakarini Samiti" for the words "Sabha" in the Principal Adhiniyam.**

Amendment of Section 22.

10. For Section 22 of the Principal Adhiniyam the following section shall be substituted, namely :—

Karyakarini Samiti.

(1) The Karyakarini Samiti shall consist of the following persons namely :—

(i) The Kulapati,

(ii) The Kuladhisachiv, if any,

(iii) The successor of the founders of the Vishwavidyalaya,

(iv) The Adhishthatas,

(v) Two principal, other than adhisthatas of colleges to be appointed by the Kuladhipati by rotation according to seniority.

(vi) One Professor, and if there is no Professor, one Reader to the Vishwavidyalaya Teaching Department shall be appointed by the Kuladhipati by rotation according to seniority.

(vii) The Secretary, Higher Education or his representative, not below the rank of Dy. Secretary.

(viii) Two persons nominated by the Kuladhipati.

(ix) Four members of the Chhattisgarh Vidhan Sabha, nominated by the rajya vidhan Sabha.

(2) The term of office of persons becoming members of the Karyakarini Samiti under items : (v), (vi), (viii) and (ix) shall, subject to Section 52 of the Adhiniyam, be 3 years.

(3) Five members inclusive of the Chairman shall form a quorum.

Amendment of Section 26.

11. For section 26 of the Principal Adhiniyam the following shall be substituted, namely :—

Powers and duties of authorities of the Vishwavidyala, save that of Karyakarini Samiti.

Subject to the provisions of this adhiniyam the constitution, powers and duties of the authorities of the Vishwavidyalaya, save that of the Karyakarini Samiti shall be prescribed by the Statutes.

Amendment of Section 32.

12. For Section 32 of the Principal Adhiniyam the following shall be substituted, namely :—

Statutes how made.

(1) The Karyakarini Samiti may, from time to time, make, amend or repeal any statute in the manner hereinafter.

(2) The Kulapati may propose to the Karyakarini Samiti the draft of any Statutes to be passed by the karyakarini Samiti, and such draft shall be considered by the Karyakarini Samiti at its next meeting.

(3) The Karyakarini Samiti may approve of any such draft as is referred to in sub-section (2) and pass the Statute or reject it or return it to the kulapati for reconsideration either in whole or in part, together with any amendments which the karyakarini Samiti may suggest.

Provided that the kulapati shall not propose the draft of any Statute or of any amendment of a Statute affecting the powers or constitution of any existing authority of the Vishwavidyalaya until such authority has been given an opportunity

of expressing an opinion upon the proposal, and any opinion so expressed shall be in writing and shall be considered by the Karyakarini Samiti.

(4) After any draft returned under sub-section (3) has been further considered by the Kulapati together with any amendment suggested by the Karyakarini Samiti, it shall be again presented to the Karyakarini Samiti with a report of Kulapati thereon and the Karyakarini Samiti may then deal with the draft in any way it thinks fit.

(5) Every new Statute or addition to the Statutes or any amendment or repeal of a Statute shall require the previous approval of the kuladhipati who may sanction, disallow or remit it for further consideration.

संचालक, मुद्रण तथा लेखन सामग्री, छत्तीसगढ़ द्वारा शासकीय क्षेत्रीय मुद्रणालय, राजनांदगांव से मुद्रित तथा प्रकाशित – 2005.